

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, November 25, 2014 14:55  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** MPO copy  
**Attachments:** Apod.pdf

Sir,

Attached is the soft copy of the MPO.

v/r  
[REDACTED]

[REDACTED]

# MILITARY PROTECTIVE ORDER

## PRIVACY ACT STATEMENT

In accordance with the Privacy Act of 1974 (Public Law 93-579), this notice informs you of the purpose of the form and how it will be used. Please read it carefully.

**AUTHORITY:** 5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; and National Defense Authorization Act for Fiscal Year 1995, Sec. 534.

**PRINCIPAL PURPOSE(S):** To inform the service member and the protected person that the commanding officer is issuing an order to the member prohibiting contact or communication with the protected person or members of the protected person's family or household and directing that the member take specified actions that support, or are in furtherance of, the prohibition.

**ROUTINE USE(S):** Any release of information outside of the Department of Defense shall be compatible with the purposes for which the information is being collected and shall be in accordance with an established routine use for the record system where the information is maintained.

**DISCLOSURE:** Voluntary. Failure to disclose/verify information will not delay either the issuance of the order or the enforceability of the order.

1. SERVICE MEMBER				2. PROTECTED PERSON (Important: see NOTE)			
a. RANK	b. LAST NAME	FIRST NAME	MI	a. RANK	b. LAST NAME	FIRST NAME	MI
CAPT	APODACA	DANIEL	M	DS/DC			
c. UNIT 1stANGLICO				c. UNIT 1stANGLICO			
d. INSTALLATION CAMP PENDLETON CA, 92055				d. INSTALLATION CAMP PENDLETON CA, 92055			

**NOTE:** Omit information in Item 2 that, if known to the service member in Item 1, could endanger the protected person.

### 3. INFORMATION SUPPORTING ISSUANCE OF THIS MILITARY PROTECTIVE ORDER

Issued IOT allow Command necessary time to determine facts IRT current situation.

### 4. THE PROTECTED PERSON HAS ALSO BEEN ISSUED THE FOLLOWING COURT ORDERS:

a. Civil protection order issued (Date - YYYYMMDD) 0, in N/A Court, N/A County, State of N/A			
b. Order issued (Date - YYYYMMDD) 0, in N/A Court, N/A County, State of N/A		Property Settlement	
		Custody and/or Visitation	

DD FORM 2873, JUL 2004

PREVIOUS EDITION IS OBSOLETE.

Adobe Professional 7.0

5. As a Commanding Officer with jurisdiction over the above-named service member, I find that there is sufficient reason to conclude that the issuance of an order is warranted in the best interest of good order and discipline. It is hereby ordered that (initial applicable portions):

a. The above-named service member is restrained from initiating any contact or communication with the above-named protected person either directly or through a third party. For purposes of this order, the term "communication" includes, but is not limited to, communication in person, or through a third party, via face-to-face contact, telephone, or in writing by letter, data fax, or electronic mail. If the protected person initiates any contact with the service member, the service member must immediately notify me regarding the facts and circumstances surrounding such contact.

b. The above-named service member shall remain at all times and places at least 1,000 feet away from the above-named protected person and members of the protected person's family or household including, but not limited to, residences and workplaces. Members of the protected person's family or household include:

c. The above-named service member will vacate the military residence shared by the parties located at:

d. Until further notified, the above-named service member will be provided temporary military quarters at:

e. The above-named service member will attend the following counseling:

f. The above-named service member will surrender his/her government weapons custody card at the time of issuance of this order.

g. The above-named service member will dispose of his/her personal firearm(s) that are located or stored on the installation at the time of issuance of this order.

h. Exceptions to this order will be granted only after an advance request is made to me and approved by me.

i. Other specific provisions of this order: Phone calls/texts/emails are authorized to coordinate family finances, child care provisions and legal proceedings.

6. DURATION: The terms of this order shall be effective until TBD, unless sooner rescinded, modified, or extended in writing by me.

ENFORCEABILITY: Violation of this order or an applicable civilian protection order shall constitute a violation of Article 90 of the Uniform Code of Military Justice.

a. COMMANDING OFFICER'S SIGNATURE

b. DATE (YYYYMMDD)

2014/1/24

7. I hereby acknowledge receipt of a copy of this order and attest that I understand the terms and conditions it imposes on me.

a. SERVICE MEMBER'S SIGNATURE

b. DATE (YYYYMMDD)

DISTRIBUTION:

Service member

Service member's local personnel file

Protected person (Custodial parent of protected child)

5. As a Commanding Officer with jurisdiction over the above-named service member, I find that there is sufficient reason to conclude that the issuance of an order is warranted in the best interest of good order and discipline. It is hereby ordered that (initial applicable portions):

a. The above-named service member is restrained from initiating any contact or communication with the above-named protected person either directly or through a third party. For purposes of this order, the term "communication" includes, but is not limited to, communication in person, or through a third party, via face-to-face contact, telephone, or in writing by letter, data fax, or electronic mail. If the protected person initiates any contact with the service member, the service member must immediately notify me regarding the facts and circumstances surrounding such contact.

b. The above-named service member shall remain at all times and places at least 1,000 feet away from the above-named protected person and members of the protected person's family or household including, but not limited to, residences and workplaces. Members of the protected person's family or household include:

c. The above-named service member will vacate the military residence shared by the parties located at:

d. Until further notified, the above-named service member will be provided temporary military quarters at:

e. The above-named service member will attend the following counseling:

f. The above-named service member will surrender his/her government weapons custody card at the time of issuance of this order.

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ENFORCEABILITY: Violation of this order or an applicable civilian protection order shall constitute a violation of Article 90 of the Uniform Code of Military Justice.

a. COMMANDING OFFICER'S SIGNATURE

b. DATE (YYYYMMDD)

2014/1/24

7. I hereby acknowledge receipt of a copy of this order and attest that I understand the terms and conditions it imposes on me.

a. SERVICE MEMBER'S SIGNATURE

b. DATE (YYYYMMDD)

2014/1/25

DISTRIBUTION:

Service member

Service member's local personnel file

Protected person (Custodial parent of protected child)

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, November 25, 2014 16:14  
**To:** [REDACTED]  
**Subject:** Apod's info

[REDACTED]

Could you send me Apod's EDIPI and MOS?

v/r

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, November 26, 2014 7:57  
**To:** [REDACTED]  
**Subject:** RE: Apod's info

Thanks!

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Wednesday, November 26, 2014 6:18 AM  
**To:** [REDACTED]  
**Subject:** RE: Apod's info

Good Morning Sir,  
Per your request. EDIPI: 1265022479 MOS:7557

v/r  
[REDACTED]

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Tuesday, November 25, 2014 4:14 PM  
**To:** [REDACTED]  
**Subject:** Apod's info

[REDACTED]

Could you send me Apod's EDIPI and MOS?

v/r  
[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, December 02, 2014 14:26  
**To:** [REDACTED]  
**Subject:** first names

[REDACTED]

Please send me the first names of the following Marines for my report.

[REDACTED]

v/r

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, December 02, 2014 14:46  
**To:** [REDACTED]  
**Subject:** RE: first names

Thanks!

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Tuesday, December 02, 2014 2:30 PM  
**To:** [REDACTED]  
**Subject:** RE: first names

Good Afternoon Sir,  
Per your request.

[REDACTED]

v/r

[REDACTED]

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Tuesday, December 02, 2014 2:26 PM  
**To:** [REDACTED]  
**Subject:** first names

[REDACTED]

Please send me the first names of the following Marines for my report.

[REDACTED]

v/r

[REDACTED]





[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, January 07, 2015 8:06  
**To:** [REDACTED]  
**Subject:** FW: Capt Apodaca  
**Signed By:** [REDACTED]

I probably already asked you.....did we get this done?

Very Respectfully,

[REDACTED]

1st ANGLICO

(c) [REDACTED]

(w) [REDACTED]

[REDACTED]

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Wednesday, December 31, 2014 10:11 AM  
**To:** [REDACTED]  
**Subject:** Capt Apodaca

[REDACTED]

The [REDACTED] told [REDACTED] today that he is waiting for the investigation ICO Capt Apodaca. Can you forward that to me?  
[REDACTED] has not seen it either.

V/r

[REDACTED]

I MEF Headquarters Group

[REDACTED]

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[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, January 14, 2015 15:06  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Capt Apodaca investigation  
**Signed By:** [REDACTED]

[REDACTED]  
I'll have to see what version he is talking about when he returns in the morning.  
S/F

Very Respectfully,

[REDACTED]

1st ANGLICO

(c) [REDACTED]

(w) [REDACTED]

[REDACTED]

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Wednesday, January 14, 2015 12:51 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Capt Apodaca investigation

[REDACTED]  
I have not received the investigation ICO Capt Apodaca. I owe it to [REDACTED] said there is a scanned, abridged version. I will take that.

V/r

[REDACTED]

I MEF Headquarters Group

[REDACTED]

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[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, January 14, 2015 16:28  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: MPO CAPT APODACA  
**Attachments:** APOD MPO (20150114).pdf  
**Signed By:** [REDACTED]

With my edits. [REDACTED] stated that this should be INDEF, however, review process remains every 30 days.  
S/F

Very Respectfully,

[REDACTED]

1st ANGLICO

(c) [REDACTED]

(w) [REDACTED]

[REDACTED]

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Wednesday, January 14, 2015 11:07 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** MPO CAPT APODACA

Good Morning Sir,

Per our conversation attached is Captain Apodaca's updated MPO. It will need to be reviewed every 30 days from the date we issue it or unless there are changes to civilian court order, in which we would have to update it sooner. Please let me know of any corrections or additions you require.

v/r

[REDACTED]

# MILITARY PROTECTIVE ORDER

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**ROUTINE USE(S):** Any release of information outside of the Department of Defense shall be compatible with the purposes for which the information is being collected and shall be in accordance with an established routine use for the record system where the information is maintained.

**DISCLOSURE:** Voluntary. Failure to disclose/verify information will not delay either the issuance of the order or the enforceability of the order.

1. SERVICE MEMBER				2. PROTECTED PERSON (Important: see NOTE)			
a. RANK	b. LAST NAME	FIRST NAME	MI	a. RANK	b. LAST NAME	FIRST NAME	MI
CAPT	DANIEL	APODACA	M				
c. UNIT				c. UNIT			
1ST ANGLICO							
d. INSTALLATION				d. INSTALLATION			
CAMP PENDLTON				CAMP PENDLETON			

**NOTE:** Omit information in Item 2 that, if known to the service member in Item 1, could endanger the protected person.

### 3. INFORMATION SUPPORTING ISSUANCE OF THIS MILITARY PROTECTIVE ORDER

YOU MUST NOT DO THE FOLLOWING THINGS TO THE PERSON MENTIONED IN BOX B: HARASS, ATTACK, STRIKE, THREATEN, ASSAULT (SEXUALLY OR OTHERWISE), HIT, FOLLOW, STALK, MOLEST, DESTROY PERSONAL PROPERTY, DISTURB THE PEACE, KEEP UNDER SURVEILLANCE OR BLOCK MOVEMENTS, CONTACT (NOT IN REGARDS TO CHILD VISITATION), EITHER DIRECTLY OR INDIRECTLY IN ANYWAY INCLUDING BUT NO LIMITED TO, BY TELEPHONE, MAIL, EMAIL, OR OTHER ELECTRONIC MEANS.

YOU MUST STAY AT LEAST 100 YARDS AWAY FROM THE PERSON, HOME OF THE PERSON, JOB OR WORKPLACE, VEHICLE OF PERSON IN BOX B, WITH THE EXCEPTIONS AS AUTHORIZED IN THE COURT ORDER DATED 20150112.

YOU CAN NOT USE, CONTROL, AND POSSES THE FOLLOWING PROPERTY AND THINGS: 2014 BMW X-3.

YOU ARE AUTHORIZED: COMMUNICATION BY EMAIL AND TEXT LIMITED TO ISSUES CONCERNING DAUGHTER MACIE. PARTIES MAY ATTEND MEDICAL APPOINTMENT TOGETHER IF NECESSARY.

VISITATION: MCKENZIE APODACA SHALL BE THE CUSTODIAL PARENT. DANIEL APODACA SHALL HAVE VISITATION AS FOLLOWS: ANYTIME AT DAY CARE, PROVIDED HE BE GONE 30 MINUTES PRIOR TO MCKENZIE ARRIVING TO PICK UP OR DROP OFF MACIE. SHALL HAVE VISITATION ON SATURDAY AND SUNDAY EVERY OTHER WEEKEND FOR 4 HOURS, SUPERVISED AND PAID FOR BY MR. APODACA. AFTER OBTAINING PERMANENT HOUSING VISITATION SHALL BE INCREASED TO 8 HOURS EACH SATURDAY AND SUNDAY, STILL SUPERVISED AND RETURNED TO MRS. APODACA BY 1730. ALL EXCHANGES OF MACIE SHALL BE AT A PUBLIC PLACE.

### 4. THE PROTECTED PERSON HAS ALSO BEEN ISSUED THE FOLLOWING COURT ORDERS:

a. Civil protection order issued (Date - YYYYMMDD) _____, in _____ Court, _____ County, State of _____			
b. Order issued (Date - YYYYMMDD) 20150112, in SAN DIEGO SUPERIOR Court, NORTH _____ County, State of CALIFORNIA		<input checked="" type="checkbox"/>	Property Settlement Custody and/or Visitation

<b>5. As a Commanding Officer with jurisdiction over the above-named service member, I find that there is sufficient reason to conclude that the issuance of an order is warranted in the best interest of good order and discipline. It is hereby ordered that (Initial applicable portions):</b>	
	<b>a.</b> The above-named service member is restrained from initiating any contact or communication with the above-named protected person either directly or through a third party. For purposes of this order, the term "communication" includes, but is not limited to, communication in person, or through a third party, via face-to-face contact, telephone, or in writing by letter, data fax, or electronic mail. If the protected person initiates any contact with the service member, the service member must immediately notify me regarding the facts and circumstances surrounding such contact.
	<b>b.</b> The above-named service member shall remain at all times and places at least <u>100</u> feet away from the above-named protected person and members of the protected person's family or household including, but not limited to, residences and workplaces. Members of the protected person's family or household include: MCKENZIE A. APODACA
	<b>c.</b> The above-named service member will vacate the military residence shared by the parties located at: N/A
	<b>d.</b> Until further notified, the above-named service member will be provided temporary military quarters at: N/A
	<b>e.</b> The above-named service member will attend the following counseling: N/A
	<b>f.</b> The above-named service member will surrender his/her government weapons custody card at the time of issuance of this order.
	<b>g.</b> The above-named service member will dispose of his/her personal firearm(s) that are located or stored on the installation at the time of issuance of this order.
	<b>h.</b> Exceptions to this order will be granted only after an advance request is made to me and approved by me.
	<b>i.</b> Other specific provisions of this order:
<b>6. DURATION:</b> The terms of this order shall be effective until <u>INDEF</u> , unless sooner rescinded, modified, or extended in writing by me. <b>ENFORCEABILITY:</b> Violation of this order or an applicable civilian protection order shall constitute a violation of Article 90 of the Uniform Code of Military Justice.	
<b>a. COMMANDING OFFICER'S SIGNATURE</b>	<b>b. DATE (YYYYMMDD)</b>
<b>7. I hereby acknowledge receipt of a copy of this order and attest that I understand the terms and conditions it imposes on me.</b>	
<b>a. SERVICE MEMBER'S SIGNATURE</b>	<b>b. DATE (YYYYMMDD)</b>
<b>DISTRIBUTION:</b> Service member Service member's local personnel file Protected person (Custodial parent of protected child)	

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, January 20, 2015 12:25  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** investigation ICO Capt Apodaca  
**Signed By:** [REDACTED]

[REDACTED]

do you need a copy of the CG's endorsement on Capt Apodaca's investigation? If so, I can email it to you.

V/r

[REDACTED]

I MEF Headquarters Group

[REDACTED]

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[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, January 21, 2015 12:26  
**To:** [REDACTED]  
**Subject:** RE: investigation ICO Capt Apodaca  
**Attachments:** 20150113\_PI with CG endo.pdf  
**Signed By:** [REDACTED]

[REDACTED]  
Here you go.

V/r  
[REDACTED]  
I MEF Headquarters Group  
[REDACTED]

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-----Original Message-----

**From:** [REDACTED]  
**Sent:** Wednesday, January 21, 2015 12:07 PM  
**To:** [REDACTED]  
**Subject:** RE: investigation ICO Capt Apodaca

Good Afternoon Sir,  
Can you please send the endorsement, so that I can retain it for my legal files?

v/r  
[REDACTED]

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Tuesday, January 20, 2015 12:25 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** investigation ICO Capt Apodaca

[REDACTED]  
do you need a copy of the CG's endorsement on Capt Apodaca's investigation? If so, I can email it to you.

V/r  
[REDACTED]  
I MEF Headquarters Group



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UNITED STATES MARINE CORPS  
I MARINE EXPEDITIONARY FORCE  
U.S. MARINE CORPS FORCES PACIFIC  
BOX 555300  
CAMP PENDLETON, CALIFORNIA 92055-5300

IN REPLY REFER TO:  
5830  
SJA

08 JAN 2015

THIRD ENDORSEMENT on [REDACTED] ltr 5830 of 5 Dec 14

From: Commanding General  
To: File

Subj: PRELIMINARY INQUIRY INTO THE CIRCUMSTANCES SURROUNDING  
ALLEGATIONS OF OFFICER MISCONDUCT INVOLVING CAPTAIN DANIEL M. APODACA  
1265022479/7557 USMC

1. Readdressed and closed. I have reviewed the subject investigation and find it to be in compliance with the references.
2. The findings and recommendations of the investigating officer, as modified by the endorsements, are hereby approved. I agree with the administrative measures taken by Captain Apodaca's commanding officer.
3. I will report Captain Apodaca's misconduct by separate correspondence.
4. The point of contact for this matter is [REDACTED]  
[REDACTED] or [REDACTED]  
[REDACTED]

Copy to:  
CO, I MHG  
CO, 1st ANGLICO  
File



UNITED STATES MARINE CORPS  
I MARINE EXPEDITIONARY FORCE HEADQUARTERS GROUP  
I MARINE EXPEDITIONARY FORCE  
U.S. MARINE CORPS FORCES PACIFIC  
BOX 555300  
CAMP PENDLETON, CALIFORNIA 92055-5300

IN REPLY REFER TO:

5830

SJA

08 JAN 2015

SECOND ENDORSEMENT on [REDACTED] ltr 5830 of 5 Dec 14

From: Commanding Officer  
To: File

Subj: PRELIMINARY INQUIRY INTO THE CIRCUMSTANCES SURROUNDING  
ALLEGATIONS OF OFFICER MISCONDUCT INVOLVING CAPTAIN DANIEL M. APODACA  
1265022479/7557 USMC

1. Readdressed and forwarded. I have reviewed the findings of fact, opinions, and recommendations of the investigating officer and find this investigation to be in compliance with the reference. I specifically concur with the administrative measures the Commanding Officer, 1st Air Naval Gunfire Liaison Company has taken to rectify the Captain's misconduct.

3. The point of contact for this matter is [REDACTED] at [REDACTED]  
[REDACTED] or [REDACTED]  
[REDACTED]

Copy to:  
CO, 1st ANGLICO  
File



UNITED STATES MARINE CORPS  
1ST AIR NAVAL GUNFIRE LIAISON COMPANY  
I MARINE EXPEDITIONARY FORCE  
MARINE FORCES PACIFIC  
BOX 555331  
CAMP PENDLETON, CALIFORNIA 92055-5331

5800  
S-1  
17 Dec 14

FIRST ENDORSEMENT on [REDACTED] ltr 5830 dtd 5 Dec 14

From: Commanding Officer, 1st Air Naval Gunfire Liaison Company  
To: Legal Officer

Subj: PRELIMINARY INQUIRE INTO THE FACT AND CIRCUMSTANCES SURROUNDING  
ALLEGATIONS OF OFFICER MISCONDUCT INVOLVING CAPTAIN DANIEL M.  
APODACA 1265022479/7557 USMC

1. Per the recommendation of the investigation, I have consulted with the Staff Judge Advocate regarding this situation and future actions to be taken. The member in question will receive a formal counseling that will be retained in his permanent record book. I have further determined no additional investigation is warranted.

2. The point of contact in this matter is [REDACTED]  
at [REDACTED]

[REDACTED]



**UNITED STATES MARINE CORPS**

1ST AIR NAVAL GUNFIRE LIAISON COMPANY  
I MARINE EXPEDITIONARY FORCE  
MARINE FORCES PACIFIC  
BOX 555331  
CAMP PENDLETON, CA 92055-5331

5830

5 December 2014

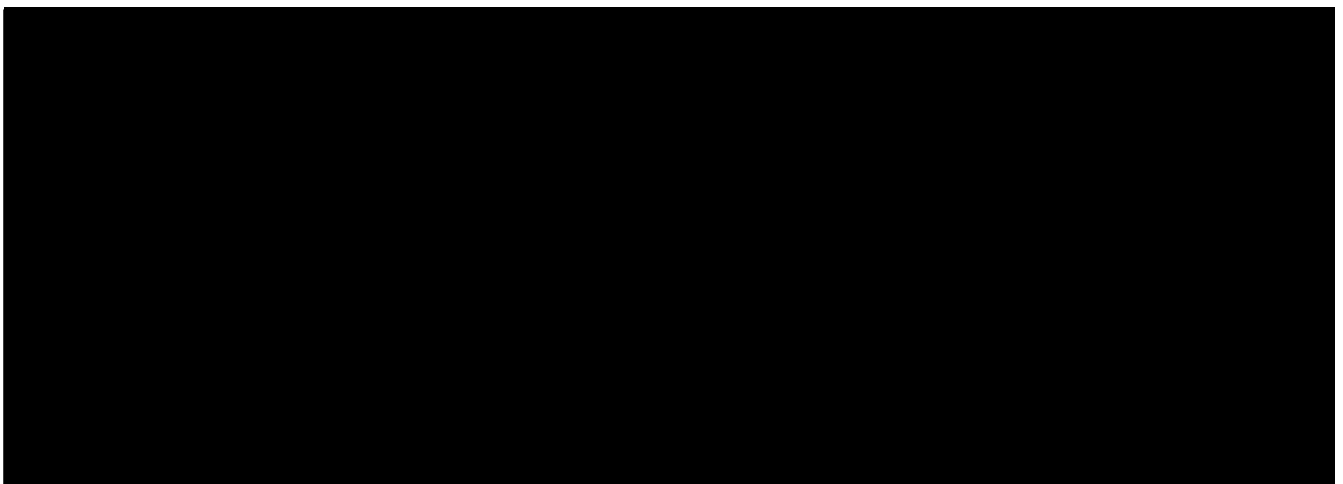
From: [REDACTED]  
To: Commanding Officer, 1st Air Naval Gunfire Liaison Company  
Subj: PRELIMINARY INQUIRY INTO THE FACTS AND CIRCUMSTANCES SURROUNDING  
ALLEGATIONS OF OFFICER MISCONDUCT INVOLVING CAPTAIN DANIEL M. APODACA  
1265022479/7557 USMC

Ref: (a) JAGINST 5800.7F (JAGMAN), Chapter 2  
(b) MANUAL FOR COURTS MARTIAL UNITED STATES

Encl: (1) Appointing letter dtd 24 November 2014  
(2) Waiver of Rights of Capt Apodaca  
(3) Mobile Phone and social media transcripts from [REDACTED]  
(4) Summary of Mobile Phone and social media transcripts of [REDACTED]  
(5) Email linkage summary  
(6) Carlsbad Police report dtd 21 November 2014  
(7) Email Conversation between [REDACTED] and [REDACTED]  
dtd 1 December 2014  
(8) Sworn statement of [REDACTED] dtd 1 December 2014  
(9) Interview Transcript

1. This reports completion of the preliminary inquiry conducted in accordance with reference (a) into alleged Officer Misconduct of Captain Daniel M. Apodaca.

2. Personnel contacted:



3. Materials reviewed: Enclosures 3-9.

Subj: PRELIMINARY INQUIRY INTO THE FACTS AND CIRCUMSTANCES SURROUNDING  
ALLEGATIONS OF OFFICER MISCONDUCT INVOLVING CAPTAIN DANIEL M. APODACA  
1265022479/7557 USMC

4. Summary of findings: There is electronic evidence that Capt Apodaca and [REDACTED] communicated with each other in an inappropriate and sexually explicit manner. There is no physical evidence that they have engaged in sexual relations at any time. The evidence reveals sexually explicit conversations which indicate a POSSIBLE sexual relationship but does not confirm it.

I've completed interviews with as many individuals as possible in the timeframe of this inquiry. Overall, the observations from those interviewed that were deployed with Capt Apodaca did not directly observe any inappropriate behavior. However, none of them are aware of the electronic evidence collected by [REDACTED]. I was never able to contact Soldiers in [REDACTED] unit to get their observations of Capt Apodaca.

5. Recommendation: My recommendation is to consult a Judge Advocate for their review and action. I also recommend that a formal investigation is convened.

[REDACTED]

# ADMINISTRATIVE REMARKS (1070)

<p>DATE:</p> <p>Articles UCMJ explained to me this date as Required by Article 137, UCMJ</p> <p>_____ (Signature)</p>	<p>DATE:</p> <p>Articles UCMJ explained to me this date as required by Article 137, UCMJ</p> <p>_____ (Signature)</p>	<p>DATE</p> <p>I have been counseled concerning SBP and fully understand the automatic enrollment and future Enrollment provisions on the Plan.</p> <p>_____ (Signature)</p>
---	---	--

17 DEC 2014: Counseled this date concerning the following deficiency: conduct unbecoming an officer and a gentleman. Specifically, during a deployment to Afghanistan in support of Operation Enduring Freedom from March 2014 to October 2014, you developed an intimate, personal relationship (sexually explicit communication) with a female United States Army field grade officer who was not your wife. The seven Marines under your charge as the leader of Supporting Arms Liaison Team Echo (SALT E) perceived your relationship with this female officer exceeded the bounds of professional interaction and resulted in their loss of trust in you as their leader. Your actions in this regard fostered a poor command climate within the team and directly contributed to instances of substandard performance and conduct by otherwise exceptional Non-commissioned officers assigned to your SALT. As such, I have lost my confidence in you to lead Marines again in combat. The independent nature of Air Naval Gunfire Liaison Company (ANGLICO) operations in complex environments supporting foreign forces requires leaders I can rely on to make both the right tactical *and ethical* decisions. In the latter case, you violated my trust and lost the respect of those you were expected to lead by example. The essence of our war fighting philosophy is built on trust up and down the chain of command, and without it, you are completely ineffective as an Officer of Marines. Specific recommendations for corrective action are to seek assistance, which is available through your chain of command. You are strongly cautioned that future instances of impropriety in this regard may result in additional administrative or judicial action, including but not limited to administrative separation. I was advised that within 5 working days after acknowledging this entry I may submit a written rebuttal which will be filed in my OMPF. I choose to not to make such a statement.

SNM [Signature] CO [Redacted]

APODACA, DANIEL M.

1265022479

NAME (Last, First, middle)

EDIPI



UNITED STATES MARINE CORPS  
1ST AIR NAVAL GUNFIRE LIAISON COMPANY  
I MARINE EXPEDITIONARY FORCE  
MARINE FORCES PACIFIC  
BOX 555331  
CAMP PENDLETON, CALIFORNIA 92055-5331

5800  
CO  
24 Nov 14

From: Commanding Officer, 1st Air Naval Gunfire Liaison Company  
To: [REDACTED]

Ref: (a) JAGMAN, Chapter II  
(b) JAGMAN, Investigations Handbook

Subj: PRELIMINARY INQUIRY INTO THE OFFICER MISCONDUCT IN CASE OF CAPTAIN  
DANIEL M. APODACA EDIPI: 1265022479/7557 USMC

1. This appoints you, per chapter II of reference (a), to inquire into the facts and circumstances surrounding the officer misconduct in case of Captain Apodaca.

2. This is a Preliminary Inquiry. Report your findings of fact, opinions, and recommendations in letter form by 5 December 2014, unless an extension of time is granted. If you have not previously done so, read chapter II of reference (a) in its entirety before beginning your investigation.

[REDACTED]

ENCLOSURE (1)



### ARTICLE 31 RIGHTS

Name: Daniel Apodaca

Rank/Rate: Capt

Activity: SALT E

Unit: 1<sup>ST</sup> ANGLICO

Telephone Number: (925)914-0178

I have been advised that I may be suspected of the offense(s) of: Adultery and that:

- ☒ I have the right to remain silent
- ☒ Any statements I do make may be used as evidence against me in trial by court-martial.
- ☒ I have the right to consult with legal counsel prior to any questioning. This legal counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- ☒ I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- ☒ I have the right to terminate this interview at any time.

### WAIVER OF RIGHTS

- ☐ I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:
  - ☐ I expressly desire to waive my right to remain silent.
  - ☐ I expressly desire to make a statement.
  - ☐ I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
  - ☐ I expressly do not desire to have such a lawyer present with me during this interview.
  - ☐ This acknowledgement and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

  
25 NOV 14  
(Witness Signature & Date)

 Nov 25 2014  
(Member Signature & Date)

**\*\*Continued on next page (If statement provided)\*\***

ENCLOSURE (2)

## PACKAGE SUMMARY

## Summary

It is alleged that

Capt. Daniel Apodaca engaged in an extramarital sexual relationship.

Capt. Daniel Apodaca has been hiding that extramarital relationship from wife, family and presumably the USMC

We will show that

- 1) Capt. Daniel Apodaca had sexually graphic messages from someone other than his wife
- 2) Capt. Daniel Apodaca established a clandestine Facebook account under the fictitious name of Everest Tahoe
- 3) Capt. Daniel Apodaca used his Everest Tahoe Facebook alias to conduct and hide his extramarital affair
- 4) Capt. Daniel Apodaca established a clandestine email account named summit\_view@outlook.com to conduct and hide his extramarital sexual relationship
- 5) Capt. Daniel Apodaca expressed love for another woman
- 6) the other woman expressed her love for him

**1) Capt. Daniel Apodaca had sexually graphic messages from someone other than his wife**

Page 17 shows a message to Daniel Apodaca (Apod) describing a blowjob for him in graphic detail

The message contained passages such as

"head slowly bobbing up and down on that gorgeous dick of yours, eyes locked on your face"

"moaning in pleasure as I taste some of your incredible cum..."

"watching you squirm and tense up as you get ready to fill my mouth and throat and belly with all you've got"

"releasing all that stress with every pulse as you grab the back of my head with both hands and grind your hips so you can fuck my mouth"

See page 17 for the full exhibit

**2) Capt. Daniel Apodaca established a clandestine Facebook account in the fictitious name of Everest Tahoe to conduct and hide his extramarital sexual relationship**

See Page 2 and page 4.

Page 2

- a) Demonstrates Daniel Apodaca's access to a conversation between Everest Tahoe and a Pinky Camaro
- b) Displays Daniel Apodaca's name at the top of the screen shot
- c) Shows the conversation between Tahoe and Camaro below to the right. (see page 3 for more detail)

Page 4 connects Daniel to Facebook alias Everest Tahoe and to the email address summit\_view@outlook.com

Note 1: Details of conversations containing expressions of love between Tahoe and Camaro will be presented later in this document

Note 2: a valid email account is required to establish a Facebook account

ENCLOSURE (4)

3) Capt. Daniel Apodaca used his Everest Tahoe Facebook alias to conduct his extramarital affair

Page 4 also shows Daniel exchanging expressions of love on November 16, 2014 with

████████████████████ is not ██████████ - Capt. Daniel Apodaca's wife. Note that ██████████ may be a female major in the United States Army

4) Capt. Daniel Apodaca established a clandestine email account named summit\_view@outlook.com to conduct and hide his extramarital sexual relationship

A valid email account is required by Facebook before they allow you to create a Facebook account

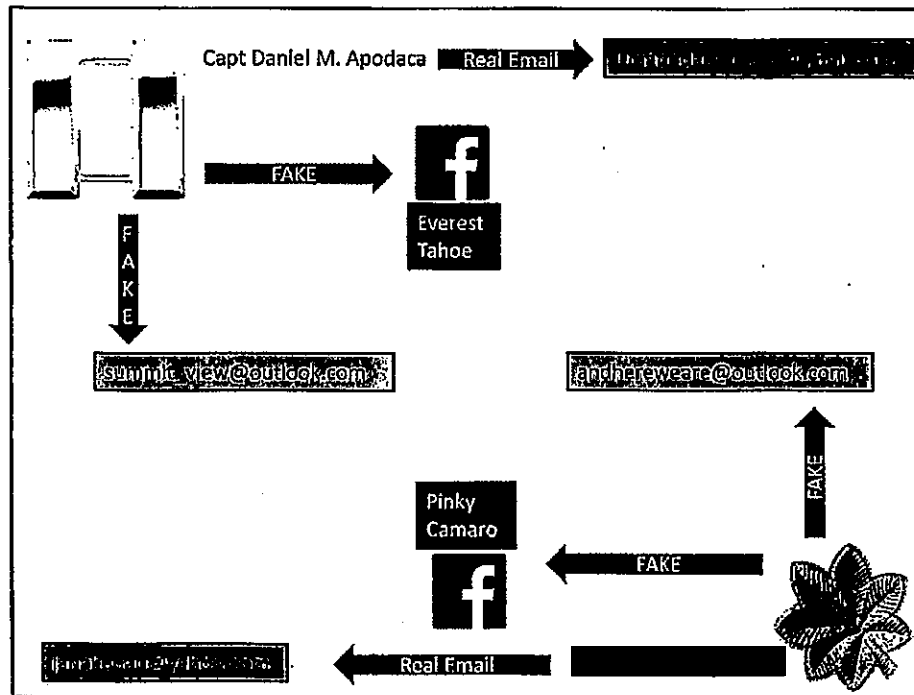
5) Capt. Daniel Apodaca expressed love for another woman

Again, reference page 4, for just one example of that expression of love. There are many others in the subsequent pages

6) The other woman expressed her love for him

Reference also page 4 for just one example of that expression of love. There are others in the subsequent pages

ENCLOSURE (4)



Capt Apodaca and [REDACTED] have been communicating with each other using false Facebook and email accounts. The majority of the communication consists of their love for each other with a few exchanges describing graphic sexual acts. These accounts have been recently deleted.


Capt Apodaca is linked to the email [summit\\_view@outlook.com](mailto:summit_view@outlook.com) and the Facebook account under Everest Tahoe. The name Everest Tahoe is also the name that is displayed as the identifier for the aforementioned email. The evidence package submitted by [REDACTED] (will be referred to as the "package" for the remainder of these notes) shows that a screenshot was taken from Capt Apodaca's phone. The contents of the emails and Facebook messages further link Capt Apodaca to these accounts. An example of a link is page 6 in the package referring to the PMO visit in September timeframe during his deployment. Another example is page 9 of the package linking him to a 3 mile run our unit participated in on 7 NOV. He was there.

[REDACTED] is linked to the email [\[REDACTED\]](mailto:[REDACTED]) and the Facebook account under Pinky Camaro. The contents in the package provide enough information to link the correspondence to [REDACTED]. Page 25 in the package refers to [REDACTED] daughters and their middle names. Their middle names are difficult to pronounce if you don't speak Hawaiian. Captain Apodaca apparently made an concerted effort to learn to pronounce them. Page 33 is the last page of [REDACTED] bio confirming her daughter's middle name. Once that was confirmed, the rest of the

correspondence points to her. Another example linking [REDACTED] "real" email to her fake email can be found on page 12 and 13. She refers to a physical that she had to go to on 21 November in both messages. There is no date on page 13 but the text coincides with her return from deployment on the night of 17 NOV. There is very little chance this could be another person.

ENCLOSURE (5)<sup>1</sup>

Enclosure (6)

Still awaiting the police report copy from 

ENCLOSURE (6)

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, December 02, 2014 7:49  
**To:** [REDACTED]  
**Subject:** Fwd: Re:

Begin forwarded message:

**From:** [REDACTED]  
**Date:** December 1, 2014 at 10:47:48 PM PST  
**To:** [REDACTED]  
**Subject:** Re:  
**Reply-To:** [REDACTED]

Ma'am, as an update:

- Thank you for initiating a full-blown investigation that took up a significant amount of my work time today for me to answer questions for. You absolutely disregarded everything I said but I'm still going to reiterate that I have never slept with your husband. And I'll keep repeating that over and over and over again because it never happened.

- And now that my reputation and my career is being harmed by your false claims, I will be talking to my lawyer about defamation and I'm considering filing it against both you and your husband. I will keep in touch.

VR  
[REDACTED]

---

**From:** [REDACTED]  
**To:** [REDACTED]  
**Sent:** Sunday, November 23, 2014 2:19 AM  
**Subject:** Ré:

I never once threatened your daughters. You may want to re read what was said.

> On Nov 22, 2014, at 10:28 PM, [REDACTED]

>

> Ma'am

> What it sounds like you're talking about is slander, and now you're threatening hurting my daughters. They don't deserve what you're trying to drag them through, and yes, it was a very difficult deployment. And you're probably right, I'm a horrible mother because I left them here and deployed. Hardest thing I've ever had to do in my life. However, I reiterate that I did not and never have slept with your husband and I take your accusations very seriously. I'm sure he'll say the same because it never happened. I don't understand your hatred for me but again, please leave my daughters out of this.

>

>

>

>> On Nov 22, 2014, at 9:04 PM, [REDACTED] wrote:

>>

>> Also, I apologize about the comment about your daughter, assuming it's bc you were deployed and that's why your daughters were having a hard time. I wish no ill will towards them as they do not deserve this.

>>

>>

>>

>>> On Nov 22, 2014, at 9:00 PM, [REDACTED] wrote:

>>>

>>> Unfortunately for you, your family will now know what you two have done. Enjoy listening to my husband try and pronounce your daughters middle name. You both are sick. Your daughters have gone through a lot because you lack character and appear to be a horrible mother. Once again, I pity you two. You two deserve each other. Unfortunately for you, he really downgraded when he went after you. It's a shame.

>>>

>>>

>>>

>>>> On Nov 22, 2014, at 1:59 PM, [REDACTED] wrote:

>>>>

>>>> I can respect that ma'am. Hope everything works out for you and your family. Please do the same for me. For what it's worth, he never told us anything bad about you, only good. Take care.

>>>>

>>>>> On Nov 22, 2014, at 9:19 AM, [REDACTED] wrote:

>>>>>

>>>>> Unfortunately for all parties involved, these allegations are accurate and verified. It's a sad situation for everyone and unfortunately, those who are not at fault are the ones hurt the most. In the meantime, please leave my husband and my family alone.

>>>>>

>>>>>

>>>>>

>>>>>> On Nov 22, 2014, at 8:06 AM, [REDACTED] wrote:

>>>>>>

>>>>>> [REDACTED]

>>>>>> Ma'am, I'm not sure where you're getting your information from, but these are extremely serious allegations and completely false. Apod told us about all the things you did for him while he was deployed but if he was cheating on you, that's news to me. I don't actually see how that's possible since he and [REDACTED] were joined at the hip whenever we saw them, but that's not my business. I'm sorry if you two are having issues but please leave me and my family out of it. My girls suffered enough this year and I don't know how I can ever make that up to them but I'm trying. Thank you.

>>>>>> VR

>>>>>> [REDACTED]

>>>>>>



>>>>>> On Nov 22, 2014, at 2:02 AM, [REDACTED] wrote:  
>>>>>>

>>>>>>> Hi,

>>>>>>> I'm sure you know me. My name is [REDACTED]. However, you should know my husband more "intimately.") I don't have much to say to you other than how disgusted I am with you and my soon to be ex husbands behavior. As I'm sure you know since you were trying to guide him on how to take my little girl away from me, I had [REDACTED] while he was deployed, moved our home so we could have a little bit more space, and planned a huge party for him

>>>>>>> to come home to since I knew he was struggling. Meanwhile, you were screwing my husband. Your kind is disgusting. Yes, I read every email, and yes, you two are pathetic. The best thing I got out of my marriage is my sweet [REDACTED]. I feel sorry for you and your family that they have to live with a person of your character. I feel sorry for [REDACTED] that Daniel is her father. This is not the first time this has happened and shame on me for thinking he was a changed man. shame on me for trusting him when someone accused him of cheating while on deployment. You two deserve each other. Next time you screw another woman's husband, try and think about someone other than yourself and try to think about the kids who are being effected by your selfish behavior. You have little ones of your own, and I feel sorry for them as well. Shame on you. You're an embarrass to our country.

>>>>>>>

>>>>>>>

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION JBLM, WA 98433	2. DATE (YYYYMMDD) 20141201	3. TIME 1100	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED] Active	
8. ORGANIZATION OR ADDRESS 16th Combat Aviation Brigade, JBLM, WA 98433			
9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: <p>On 22 November 2014 at 0551 hours, [REDACTED] replied to a group email from Captain Daniel Apodaca's account with the following recipients: [REDACTED] myself and [REDACTED] and she said:  Hello all!  I am on Daniels phone and wanted to let you know that unfortunately, Daniel might be out of commission for a while. You might want to ask [REDACTED] why. :)  Cheers!</p> <p>On 22 November 2014 at 0653 hours, Captain Apodaca replied to the group from the same account and said:  Good morning all,  My apologies, my wife took my phone last night and decided to make some poor choices. Sorry to bother you all and hope everyone is doing well!  Semper Fi  Apod</p> <p>If this is how this investigation started, it is against federal law to take someone's phone and go through their accounts. This is covered in the Electronic Communications Privacy Act.</p> <p>Second, I've received hate emails/messages from [REDACTED], her mother, and her friend to my personal email and Facebook accounts. They are alleging that I "screwed" her husband and that is absolutely false. I have never ever had sex with Captain Apodaca and I take these allegations extremely seriously. I told her that several times and she continued to harass me. In my service, even the allegation of impropriety such as this is a reputation/career ender so I am considering suing her for defamation and cyber harassment. I am also considering getting a restraining order against her, her family, and her friends. I discussed the nature of my relationship with Captain Apodaca, [REDACTED] and [REDACTED] over the phone, so you can refer to your notes on those. The contact emails for [REDACTED] are above and they should respond within 24-48 hours. If not, let me know.</p> <p>Finally, if I were Captain Apodaca, I would turn her in for violating his privacy by taking his phone and unauthorized access to whatever was on there, which carries both civil and criminal penalties.</p>			
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]		PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF [REDACTED] TAKEN AT 1100 DATED 20141201

9. STATEMENT (Continued)

Nothing follows on this page.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

**INTERVIEWS****24 Nov 2014**

I interviewed [REDACTED] regarding alleged officer misconduct of her husband while on deployment. She was visibly upset by her husband's recent behavior upon his return. He has been distant and not very interested in interacting with her or their 5 month old daughter [REDACTED] [REDACTED] was born while he was on deployment. Initially, [REDACTED] attributed Capt Apodaca's distant behavior to Post Traumatic Stress Disorder due to something he may have witnessed while deployed. She took steps to try and help him that issue.

Upon further investigation, [REDACTED] saw Capt Apodaca's mobile phone in their apartment and looked through it. She found electronic evidence of an extramarital relationship with a woman [REDACTED] he met on deployment. The evidence shows that Capt Apodaca and [REDACTED] were having an affair and were using false names on Facebook to communicate with each other. The dates and occurrences in the messages correlated the false names to Capt Apodaca and [REDACTED]. There are connections linking the false accounts to their actual email accounts. On 21 November, [REDACTED] confronted Capt Apodaca with this information. He physically tried to get his mobile phone from her. [REDACTED] subsequently called the Carlsbad Police and they responded to a domestic disturbance.

[REDACTED] mentioned earlier instances of infidelity that she chose to work out as a couple believing that this behavior would not happen again. This is the third time he has done this that she knows of and does not wish to remain in a relationship with Capt Apodaca.

Lastly, she mentioned that his Marines do not like or have any respect for him. She believes that someone with his lack of integrity should not be leading Marines.

**25 Nov 2014**

I interviewed [REDACTED] regarding alleged officer misconduct of Capt Apodaca while on deployment. [REDACTED] called

**ENCLOSURE (9)**

the night of 23 November around 2000. [REDACTED] was distraught during the phone call. She informed [REDACTED] that Capt Apodaca had been cheating with an Army [REDACTED] while in Afghanistan. The email and text evidence that [REDACTED] revealed was pretty graphic and said that they were having sex and were in love. Upon discovering this electronic evidence, [REDACTED] and Capt Apodaca got into an altercation over his mobile phone. [REDACTED] called the Carlsbad Police after Capt Apodaca allegedly pushed her. He subsequently moved out of the apartment.

[REDACTED] is currently consulting an attorney. [REDACTED] wanted to see the [REDACTED] to inform him. [REDACTED] had already informed the CO of the 21 November Police visit. The CO wanted to speak with the Judge Advocate prior to meeting [REDACTED]

She was able to meet the CO on 24 November and provide him with all the information she knows along with printed conversations between Capt Apodaca and [REDACTED]

**25 Nov 2014**

I interviewed the SALT E members and the GLT OIC [REDACTED] (1 DEC 2014) individually to get their perspective on any alleged misconduct of Capt Apodaca while on deployment. There is a clear division in perception between the officers and enlisted Marines regarding Capt Apodaca's conduct on deployment. All of them are familiar with [REDACTED]. There was also universal agreement that [REDACTED] and Capt Apodaca were seen together all the time.

**Enlisted Perspective** - Early in the deployment SALT E worked with [REDACTED] unit supporting Task Force TIGERSHARK. That established the initial connection between the two elements. After TIGERSHARK was complete [REDACTED] continued to be seen with Capt Apodaca. This regular contact was seen throughout the deployment. However, they were always observed in a group.

Several Marines, due to not sleeping well or being on duty, stated that Capt Apodaca on a few occasions would sign out the duty truck at around 0200. The duty truck was signed out to go to the air field location where [REDACTED] worked. The Soldiers of her unit told our Marines that Capt Apodaca was seen there frequently.

**INCLOSURE (9 )**

This perceived behavior made morale in the SALT very low. The Marines would generally avoid the officers the entire deployment unless there was something work related that had to be done. The lines of trust and communications were not well established. The overall perception of the enlisted Marines was an inappropriate relationship existed between Capt Apodaca and [REDACTED]

Officer's Perspective - There was regular working and social contact between Capt Apodaca and [REDACTED] while on deployment. [REDACTED] was with Capt Apodaca the vast majority of the time. Capt Apodaca was never alone with [REDACTED]. There were no inappropriate relations observed or perceived between Capt Apodaca and [REDACTED].

1 DEC 2014

I interviewed [REDACTED] to get his perspective on any alleged misconduct of Capt Apodaca while on deployment. He is in a unique position in the command as the senior enlisted member and has access to the SALT E Marines. SALT E returned with some drama that seemed to start with a misunderstanding between [REDACTED] and Capt Apodaca. [REDACTED] received counseling from Capt Apodaca. Subsequently, there was an incident where PMO searched Capt Apodaca's room due an anonymous tip in the middle of the night. The perception of the Marines was that Capt Apodaca suspected [REDACTED] of this tip and was looking to retaliate. This surfaced in the SEP 14 timeframe.

Most of the Marines in SALT E reported that they saw Capt Apodaca with [REDACTED] together all the time but there was never any proof of inappropriate behavior.

1 DEC 2014

I interviewed [REDACTED] on the phone to get her perspective on any alleged misconduct of Capt Apodaca while on deployment. She met Capt Apodaca during deployment and established a working relationship. This relationship evolved into more social interactions including [REDACTED] and [REDACTED]. She had worked with Capt Apodaca on several projects throughout the deployment.

ENCLOSURE (2)

She stated that her relationship to Capt Apodaca was strictly working and social. She also stated that she never had sex with him and all the accusations against her are false. However, I did not specifically ask her if she had sex or mention the adultery with Capt Apodaca. I only stated that I was investigating Capt Apodaca's alleged officer misconduct, not her. [REDACTED] has been cooperative and also provided me with other contacts to further this investigation.

**2 DEC 2014**

I interviewed [REDACTED] on the phone to get her perspective on any alleged misconduct of Capt Apodaca while on deployment. Overall, she was cooperative but slightly belligerent over the situation. She totally disagrees with the allegations against Capt Apodaca. According to her, [REDACTED] acted as a mentor to both Capt Apodaca and [REDACTED] didn't come into the picture till late in the deployment. Approximately the JUL/AUG timeframe. She also mentioned that they would tease Capt Apodaca during the deployment for needing to call and chat with his wife so much. She ended the conversation stating there is no way they had an inappropriate relationship while deployed.

**4 DEC 2014**

I interviewed [REDACTED] via email due to timezone differences to get his perspective on any alleged misconduct of Capt Apodaca while on deployment. Below is a rundown of his answers to my questions.

1 - How long have you worked with Capt Apodaca and [REDACTED] I didn't work with either one I am the Billeting Supervisor where he lived.

2 - When did you meet? I met Capt Apodaca in March and [REDACTED] I think July.

3 - Can you describe their relationship based on your personal observations? There was nothing that stood out we all hung out together, everything was on a professional level.

4 - Did you interact with them mostly during the day or night? It was more in the evening.

**ENCLOSURE (9)**

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Thursday, January 29, 2015 11:23  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: MCIW-MCBCP2015-95 Captain Daniel Apodaca  
**Attachments:** MCIW-MCBCP2015-95 Captain Apodaca.pdf; MCIW-MCBCP2015-97 [REDACTED]  
[REDACTED]

[REDACTED]

Good morning, Ma'am. Please review the attachments (it's three different FOIA Request, requesting the same P.I. on Capt Apodaca). I'll get with the SJA and see if he wants me to redacted and complete the FOIA Request, but I wanted to let the Command know.....

V/R  
[REDACTED]

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Thursday, January 29, 2015 10:35 AM  
**To:** [REDACTED]  
**Subject:** MCIW-MCBCP2015-95 Captain Daniel Apodaca

[REDACTED]

Attached is a FOIA that falls under your cognizance. Please let me know if you have any questions.

R/S  
[REDACTED]

MCIWEST-MCB CAMPEN  
P. O. Box 555010  
Camp Pendleton, CA 92055-5010  
Phone (760) [REDACTED]  
Fax (760) [REDACTED]  
Direct: [REDACTED]  
PA/FOIA: [REDACTED]

FOR OFFICIAL USE ONLY - PRIVACY SENSITIVE. ANY MISUSE OR UNAUTHORIZED ACCESS MAY RESULT IN BOTH CIVIL AND CRIMINAL PENALTIES.

MCIWEST-MCB CAMPEN FOIA  
<http://www.mciwest.marines.mil/StaffOffices/FOIA.aspx>

MCIWEST-MCB CAMPEN Adjutant SharePoint  
<https://www.mciwest.usmc.mil/inst/mciwest/manpower/MCIWMCBADJ/default.aspx>





UNITED STATES MARINE CORPS  
MARINE CORPS INSTALLATIONS WEST-MARINE CORPS BASE  
BOX 555010  
CAMP PENDLETON, CALIFORNIA 92055-5010

5720  
ADJ  
29 Jan 15

From: Freedom of Information Act Coordinator  
To: Commanding General, I Marine Expeditionary Force,  
(Attn: SJA/FOIA) Box 555300, Camp Pendleton, CA 92055-5300

Subj: PRIVACY ACT (PA)/FREEDOM OF INFORMATION ACT (FOIA)  
REQUEST ICO CAPTAIN DANIEL APODACA; CASE NUMBER MCIW-MCBCP2015-95

Ref: (a) SECNAVINST 5720.42F

Encl: (1) Captain Daniel Apodaca's FOIA Request

1. The enclosure is forwarded for your action as it pertains to matters under your cognizance, specifically, the preliminary hearing of the investigation conducted by 1<sup>st</sup> Anglico, I MHG, I MEF involving Captain Apodaca's spouse on December 17, 2014 and for release determination and direct response to the requester, as prescribed by reference (a).

2. This office has advised the requestor of this referral.

3. Point of contact at this command is [REDACTED] at [REDACTED]  
[REDACTED] or email your inquiry to [REDACTED]

Sincerely,

[REDACTED]

FOR OFFICIAL USE ONLY

received  
120150128

FREEDOM OF INFORMATION ACT REQUEST (5 UNITED STATES CODE 552)

DD FORM 4

DATE 28 Jan 15

1. (LAST NAME FIRST, MI) Apodaca, Daniel M.

REQUEST THAT A COPY OF THE FOLLOWING

DOCUMENT(S) BE PROVIDED TO ME:

☐ MILITARY POLICE REPORT

☐ FAMILY SERVICES

☒ OTHER Political Asylum

☐ VEHICLE ACCIDENT REPORT

☐ COUNSELING SERVICES

☐ CID REPORT

☐ FAMILY ADVOCACY PROGRAM

DATE OF INCIDENT 17 Dec 14

☐ CONTRACT NUMBER

☐ SOLICITATION NUMBER

BE SPECIFIC IN DESCRIBING THE RECORDS YOU ARE REQUESTING

I am requesting a copy of my political asylum application and supporting documents.

I AM WILLING TO PAY FEE FOR THIS REQUEST UP TO \$100.00 PER PAGE. IF THE ESTIMATED FEE EXCEEDS THIS AMOUNT, PLEASE ADVISE ME BY POST.

NAME ADDRESS TO WHOM ALL CORRESPONDENCE IS TO BE SENT

1915 25th St NW  
Washington DC 20037

IF THIS ADDRESS IS TO YOUR CURRENT HOME ADDRESS, PLEASE OVERSTAMP SEND NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES.

PLEASE PRINT OR TYPE NAME AND ADDRESS OF REQUESTOR



UNITED STATES MARINE CORPS  
MARINE CORPS INSTALLATIONS WEST-MARINE CORPS BASE  
BOX 555010  
CAMP PENDLETON, CALIFORNIA 92055-5010

5720  
ADJ  
29 Jan 15

From: Freedom of Information Act Coordinator  
To: Commanding General, I Marine Expeditionary Force,  
(Attn: SJA/FOIA) Box 555300, Camp Pendleton, CA 92055-  
5300

Subj: PRIVACY ACT (PA)/FREEDOM OF INFORMATION ACT (FOIA)  
REQUEST ICO [REDACTED] CASE NUMBER MCIW-  
[REDACTED]

Ref: (a) SECNAVINST 5720.42F

Encl: (1) [REDACTED] FOIA Request

1. The enclosure is forwarded for your action as it pertains to matters under your cognizance, specifically, the preliminary hearing of the investigation conducted by 1<sup>st</sup> Anglico, I MHG, I MEF involving [REDACTED] spouse on December 17, 2014 and for release determination and direct response to the requester, as prescribed by reference(a).

2. This office has advised the requestor of this referral.

3. Point of contact at this command is [REDACTED] at [REDACTED]  
[REDACTED] or email your inquiry to [REDACTED]

Sincerely,

[REDACTED]

received  
20150128

DD FORM 5720-2	
<b>FREEDOM OF INFORMATION ACT REQUEST (5 UNITED STATES CODE 552)</b>	
Print Form	
DATE <u>28 Jan 2015</u>	
I (LAST NAME, FIRST, MI) <u>[REDACTED]</u> REQUEST THAT A COPY OF THE FOLLOWING DOCUMENT (S) BE PROVIDED TO ME	
<input type="checkbox"/> MILITARY POLICE REPORT	<input type="checkbox"/> FAMILY SERVICES
<input type="checkbox"/> VEHICLE ACCIDENT REPORT	<input type="checkbox"/> COUNSELING SERVICES
<input type="checkbox"/> CID REPORT	<input type="checkbox"/> FAMILY ADVOCACY PROGRAM
<input type="checkbox"/> CONTRACT NUMBER	<input type="checkbox"/> SOLICITATION NUMBER
<input checked="" type="checkbox"/> OTHER <u>1st ANGLICO Commander's Inquiry dated Nov/Dec 2014</u>	
DATE OF INCIDENT <u>Nov/Dec 2014</u>	
BE SPECIFIC IN DESCRIBING THE RECORDS YOU ARE REQUESTING	<div style="border: 1px solid black; padding: 5px; margin-top: 10px;">In the last week of November, 1st ANGLICO initiated a commander's inquiry on Captain Daniel Apodaca. They concluded their inquiry in December. I am requesting the entire investigation/inquiry packet and all documents that were part of it. A redacted copy is fine and I will pay to expedite this process. A scanned copy sent by email would be even better.</div>
I AM WILLING TO PAY FEES FOR THIS REQUEST UP TO A MAXIMUM OF <u>5,000</u> IF YOU ESTIMATE THAT FEES WILL EXCEED THIS AMOUNT PLEASE NOTIFY ME FIRST	
NAME/ADDRESS TO MAIL REQUESTED DOCUMENTS TO <u>[REDACTED]</u>	
(IF THIS ADDRESS IS TO SOMEONE OTHER THAN YOURSELF PLEASE GIVE THIS AGENCY YOUR CONSENT TO RELEASE THE REQUESTED DOCUMENTS TO ANOTHER INDIVIDUAL)	
REQUESTOR'S CONTACT NUMBER <u>[REDACTED]</u>	REQUESTOR'S E-MAIL ADDRESS <u>[REDACTED]</u>
SIGNATURE OF REQUESTER OR AGENT <u>[REDACTED]</u>	
(SIGNATURE REQUIRED FOR RECORDS CONTAINING PERSONAL INFORMATION) "I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT."	
PLEASE NOTE THIS OFFICE HAS 20 WORKING DAYS TO PROVIDE A RESPONSE TO A FREEDOM OF INFORMATION ACT REQUEST. DEPENDING ON CURRENT WORKLOAD, INFORMATION REQUESTED, DATES AND/OR ACCIDENTS ETC...THE RESPONSE TIME MAY VARY. "FOR OFFICIAL USE ONLY - PRIVACY ACT SENSITIVE"	
ANY MISUSE OR UNAUTHORIZED RELEASE OF PERSONAL INFORMATION COULD RESULT IN BOTH CIVIL AND CRIMINAL PENALTIES. YOU MAY RETURN THIS REQUEST BY FAX AT (780) 725-0532 OR E-MAIL TO MCIV_MCBPCEN_ROSVCTR@USMC.MIL	
Privacy Act Statement	
BORN NM05720-1 AUTHORITY: 5 U.S.C. 552, the Freedom of Information Act, as amended; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps, Secretary of the Navy Instruction 5720.42F, Department of the Navy Freedom of Information Act Program; and E.O. 8397 (SSN), as amended. PRINCIPLE PURPOSE: To track, process, and coordinate individual requests for access and amendment of personal records; to process appeals on denials of requests for access or amendment to personal records; to compile information for reports, and to ensure timely response to requestors. ROUTINE USES: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3). DISCLOSURE: Disclosure of this information is mandatory.	

MCWEST-MCB CAMPEN 5720/3 (Rev. 9/14) PREVIOUS EDITIONS ARE OBSOLETE

ADOBE 9.0 DESIGNER  
FOR OFFICIAL USE ONLY "FOUO"  
T011-00-003-0001



UNITED STATES MARINE CORPS  
MARINE CORPS INSTALLATIONS WEST-MARINE CORPS BASE  
BOX 555010  
CAMP PENDLETON, CALIFORNIA 92055-5010

5720  
ADJ  
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To: Commanding General, I Marine Expeditionary Force,  
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Subj: PRIVACY ACT (PA)/FREEDOM OF INFORMATION ACT (FOIA)  
REQUEST ICO [REDACTED] CASE NUMBER MCIW-  
[REDACTED]

Ref: (a) SECNAVINST 5720.42F

Encl: (1) [REDACTED] FOIA Request

1. The enclosure is forwarded for your action as it pertains to matters under your cognizance, specifically, the preliminary hearing of the investigation conducted by 1<sup>st</sup> Anglico, I MHG, I MEF involving [REDACTED] spouse on December 17, 2014 and for release determination and direct response to the requester, as prescribed by reference(a).

2. This office has advised the requestor of this referral.

3. Point of contact at this command is [REDACTED] at [REDACTED]  
[REDACTED] or email your inquiry to [REDACTED]

Sincerely,

[REDACTED]

FOR OFFICIAL USE ONLY

**received**

20150128 PD-5720-25

## FREEDOM OF INFORMATION ACT REQUEST (5 UNITED STATES CODE 552)

FOIA FORM

DATE: January 28, 2015

I. (LAST NAME, FIRST, MI.)

REQUEST THAT A COPY OF THE FOLLOWING

DOCUMENT (S) BE PROVIDED TO ME:

☐ MILITARY POLICE REPORT☐ FAMILY SERVICES☒ OTHER Preliminary investigation/report☐ VEHICLE ACCIDENT REPORT☐ COUNSELING SERVICES☐ CID REPORT☐ FAMILY ADVOCACY PROGRAM

DATE OF INCIDENT: December 17, 2014

☐ CONTRACT NUMBER☐ SOLICITATION NUMBER

BE SPECIFIC IN DESCRIBING THE RECORDS YOU ARE REQUESTING:

A copy of a Preliminary Investigation (redacted to exclude any privileged information if necessary) conducted by 1st ANGLICO, 1 MHG, 1 MEF, in regards to allegations made against Daniel Apodaca by his spouse, McKenzie Apodaca. The investigation was completed on or around December 17, 2014.

I AM WILLING TO PAY FEES FOR THIS REQUEST UP TO A MAXIMUM OF \$50. IF YOU ESTIMATE THAT FEES WILL EXCEED THIS AMOUNT, PLEASE NOTIFY ME FIRST.

NAME/ADDRESS TO MAIL REQUESTED DOCUMENTS TO:

(IF THIS ADDRESS IS TO SOMEONE OTHER THAN YOURSELF, PLEASE GIVE THIS AGENCY YOUR CONSENT TO RELEASE THE REQUESTED DOCUMENTS TO ANOTHER INDIVIDUAL)

REQUESTOR'S CONTACT NUMBER

REQUESTOR'S E-MAIL ADDRESS

SIGNATURE OF REQUESTER OR AGENT:

(SIGNATURE REQUIRED FOR RECORDS CONTAINING PERSONAL INFORMATION)  
 "I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT."

PLEASE NOTE: THIS OFFICE HAS 20 WORKING DAYS TO PROVIDE A RESPONSE TO A FREEDOM OF INFORMATION ACT REQUEST. DEPENDING ON CURRENT WORKLOAD, INFORMATION REQUESTED, DATES AND/OR ACCIDENTS ETC... THE RESPONSE TIME MAY VARY.

"FOR OFFICIAL USE ONLY - PRIVACY ACT SENSITIVE"

ANY MISUSE OR UNAUTHORIZED RELEASE OF PERSONAL INFORMATION COULD RESULT IN BOTH CIVIL AND CRIMINAL PENALTIES. YOU MAY RETURN THIS REQUEST BY FAX AT (760) 725-0532 OR E-MAIL TO MCIW\_MCBPCEN\_RQSVCTR@USMC.MIL.

## Privacy Act Statement

SORN NM05720-1

AUTHORITY: 5 U.S.C. 552, the Freedom of Information Act, as amended; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; Secretary of the Navy Instruction 5720.42F, Department of the Navy Freedom of Information Act Program; and E.O. 9397 (SSN), as amended.

PRINCIPLE PURPOSE: To track, process, and coordinate individual requests for access and amendment of personal records; to process appeals on denials of requests for access or amendment to personal records; to compile information for reports, and to ensure timely response to requestors.

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DISCLOSURE: Disclosure of this information is mandatory.

MCIWEST-MCB CAMPEN 5720/3 (Rev. 9/14) PREVIOUS EDITIONS ARE OBSOLETE

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 T011-00-003-0001

ENCLOSURE (1)